

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARTHUR ROUSE, et al.,

Plaintiffs,

CIVIL CASE NO. 06-10961

v.

PATRICIA CARUSO, et al.,

Defendants.

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

ORDER

This is a *pro se*, putative class action under 42 U.S.C. §1983 in which Plaintiffs have named numerous prison officials as Defendants. Before the Court are: (1) Plaintiff Warner's motion to compel law library time [docket entry #21]; (2) Plaintiff Warner's motion to remove name [docket entry #28]; (3) Plaintiff Warner's request to remove Michigan Attorney General Mike Cox [docket entry #33]; (4) Plaintiff Rider's letter request to be removed from the lawsuit [docket entry #45]; and the January 24, 2007, Report and Recommendation of Magistrate Judge Paul Komives [docket entry # 47] on Plaintiffs' motions.

A court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings." *Thomas v.*

Arn, 474 U.S. 140, 150 (1985). Because neither party filed timely objections¹ to Magistrate Judge Komives's Report and Recommendation, *see* 28 U.S.C. § 636(B)(1)(c); Fed. R. Civ. P. 6(e), this Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that Magistrate Judge Komives' Report and Recommendation [docket entry #47] is **ACCEPTED AND ADOPTED** as an order of the Court.

IT IS FURTHER ORDERED that Plaintiff Warner and Plaintiff Rider's filings [docket entries #28 and #45, respectively], are **CONSTRUED** as motions for voluntary dismissal; the motions [docket entries #28 and #45] are **GRANTED** to the extent not inconsistent with this order or the report and recommendation of the magistrate judge; and **PLAINTIFFS DOUGLAS WARNER and CARLTON RIDER** are **DISMISSED** from the cause of action **without prejudice**.

IT IS FURTHER ORDERED that Plaintiff Warner's motion to compel law library time [docket entry #21] and motion to disqualify Michigan Attorney General Mike Cox [docket entry #33] are **DENIED AS MOOT**.

SO ORDERED.

Dated: March 23, 2007

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

¹ Plaintiffs Warner and Rider have not filed any objections to the instant Report and Recommendation. A thorough review of all of Plaintiffs' filings reveal that Plaintiffs Rouse and Hoffman have also conceded that they do *not* object to the Magistrate Judge's Report and Recommendation [docket entry #47]. *See* Pl. Rouse's Objs., p. 2, ¶ 13 [docket entry #62]; Pl. Hoffman's Objs., p. 2, ¶ 4 [docket entry #76]. Therefore, because there are no objections to the Report and Recommendation, the Court need not decide whether Plaintiff Rouse or Plaintiff Hoffman may object to a report and recommendation pertaining to motions made by Plaintiffs Warner and Rider.

Certificate of Service

I hereby certify that on March 23, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Cori E. Barkman; A. Peter Govorchin, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Mark Ashley; Richard Boone, II; Guy Curtis; Erick DeForest; Hilton Evans; Danny Fritts; Stewart Gates; Terry George; Claude Hoffman; Michael Kanipe; Michael Lake; Antonio Manning; Robert McMurray; Tony Pellin; Carlton Rider; Arthur Rouse; William Taylor; Douglas Warner; Loren Wicker.

s/Ruth A. Brissaud

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